

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JERRY MCFARLAND,

Plaintiff,

v.

L.T.D.,

Defendant.

6:15-cv-0290-TC

FINDINGS & RECOMMENDATION

COFFIN, Magistrate Judge:

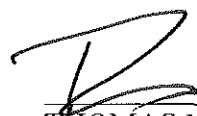
On February 19, 2015, pro se plaintiff Jerry McFarland filed a complaint against defendant L.T.D. (ECF No. 1) The court dismissed the complaint on February 24, 2015 for failure to allege specific facts and to state a claim and allowed plaintiff to file an amended complaint (ECF No. 5). Plaintiff filed an amended complaint on March 2, 2015. (ECF No. 7) However, the court held on August 7, 2015 that the “allegations in the amended complaint raise[d] nothing more than mere speculation that plaintiff was discriminated against . . . .” and allowed plaintiff 30 days to “file an amended complaint curing the deficiencies.” (ECF No. 8). Plaintiff was warned that failure to file an amended complaint curing the deficiencies would result in dismissal of this action. *Id.* A paper copy of this order was mailed to

plaintiff on August 10, 2016. To date, plaintiff has failed to file an amended complaint or request an extension of time.

Accordingly, plaintiff's amended complaint (ECF No. 7) should be dismissed for failure to state a claim and this action should be dismissed for failure to follow a court order and failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the magistrate judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the magistrate judge's recommendation.

DATED this 25 day of March 2016



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THOMAS M. COFFIN  
United States Magistrate Judge